

REMARKS/ARGUMENTS

In the specification, paragraphs [0039] and [0045] have been amended so as to correct typographical errors.

Claims 1-3, 5, 7, 8 and 10-26 remain in this application. Claims 1-3, 7, 8, 10-12 and 18-21 have been amended. Claims 2, 3, 7, 11, 12, 19, 20 have been amended so as to correct typographical/grammatical errors and/or so as to insure proper antecedent basis. Claims 1, 8, 10, 18 and 21 have been amended so as to require both Co_3O_4 and NiO in the tint. Support for the amendment is shown in at least paragraph [0041] and Table 2, examples 1-7. Claim 9 has been cancelled. New claim 27 (equivalent to cancelled claim 9) has been added as a result of the Examiner's objection of claim 9 being dependent from a subsequent claim. New claims 28-30 have been added. Support for new claim 28 is shown in paragraph [0041]. Support for new claim 29 is shown in paragraph [0011]. Support for new claim 30 is shown in paragraph [0047].

1. Drawings

Applicant gratefully acknowledges that the Examiner has indicated the drawings filed on April 7, 2005 are accepted.

2. § 103 Rejections

The Examiner has rejected claims 1-3, 5, 7, 8, 10, 13-21 and 23 under 35 U.S.C. § 103 as being unpatentable for obviousness over Pantano et al. (US 2003/0054176) in view of Agrawal et al. (US 2003/0148401).

The Examiner asserts, regarding claims 1-3, 5, 18 and 19, that Pantano et al. teaches a porous substrate comprising: a nonporous support; and an inorganic porous region on a surface of the support, the inorganic porous region having a surface capable of immobilizing probe molecules, the inorganic porous region having a tint and exhibiting a reduced level of auto-fluorescence of at least about 50% relative to a comparable non-tinted porous substrate surface, which encompasses the recited reduced auto-fluorescence values of at least about 15%, at least about 20-25%, and at least about 50%. The Examiner also asserts that Pantano et. al. fails to teach the tint comprising at

least one of cobalt oxide or nickel oxide alone or in combination. The Examiner further asserts that Agrawal et al. teaches adding a dopant of nickel oxide to a substrate, in order to provide coatings having strong interaction with nucleic acids.

Applicant traverses the examiners assertion that Pantano et al. teaches the inorganic porous region having a tint as required in claims 1 and 18 and claims depending therefrom. Pantano et al. teaches a nonporous substrate whose surface is modified in order to produce a porous SiO₂ rich surface as described on page 3, paragraph [0025]. Further, Pantano teaches coating a multiamino organosilane directly on the nonporous substrate or SiO₂ modified substrate as described on page 3, paragraph [0029]. Pantano et al fails to teach or suggest a tint as a component of the inorganic porous region. The substrates of Pantano et al. although they may be low auto-fluorescing; they are not tinted through the addition of a colorant component being added to the glass composition.

Nonetheless, even if Pantano et al. did disclose the inorganic porous region having a tint, in order to establish a prima facie case of obviousness, Pantano et al. and Agrawal et al. alone or in combination must teach or suggest all of the claim limitations. The references of Pantano et al. and Agrawal et al. alone or in combination do not teach or suggest "...the inorganic porous region having a tint ..., wherein said tint comprises Co₃O₄ and NiO" as now required in claims 1 and 18 and claims dependent therefrom.

The Examiner has also rejected claims 9, 22 and 26 under 35 U.S.C. 103(a) as being unpatentable over Pantano et al. (US 2003/0054176) in view of Agrawal et al. (US 2003/0148401), as applied to claim 8, further in view of Mizuno et al. (US 2002/0042068).

The Examiner has also rejected claims 24 and 25 under 35 U.S.C. 103(a) as being unpatentable over Pantano et al. (US 2003/0054176) in view of Agrawal et al. (US 2003/014801).

The Examiner has also rejected claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Pantano et al. (US 2003/0054176) in view of Agrawal et al. (US 2003/0148401) further in view of Young et al. (US 6,391,809).

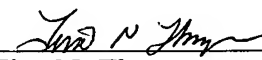
Since independent claims 1 and 18 as amended, are now patentably distinguishable from the combination of Pantano et al. and Agrawal et al, then claims dependent therefrom cannot be obvious and the Examiner's rejections and arguments based on the combination of Pantano et al. and Agrawal et al. are moot.

Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. As such, Applicant respectfully requests the removal of this rejection. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant believes that a one month extension of time is necessary to make this Reply timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to Deposit Account 03-3325. Please direct any questions or comments to the undersigned.

Respectfully submitted,

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Tina N. Thompson
Reg. No. 58,987
Corning Incorporated
SP-TI-03-1
Corning, NY 14831
(607)974-1028